IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 3500 of 2005

Between:

1 Balleni Nageswara Rao, s/o. Narayana Swamy,
R/o Gangampalem Village, Hamlet of Tirumalaipalem,
Gokavaram Mandal, East Godavari District.
2 Balleni Pedda Kapu @ Pothuraju, S/o. Narayana Swamy,
R/o Gangampalem Village, Hamlet of Tirumalaipalem,
Gokavaram Mandal, East Godavari District.
3 Balleni Venkataramana, s/o. Narayana Swamy,
R/o Gangampalem Village, Hamlet of Tirumalaipalem,
Gokavaram Mandal, East Godavari District.
4 Balleni Narasimha Murthy, S/o. Narayana Swamy,
R/o Gangampalem Village, Hamlet of Tirumalaipalem,
Gokavaram Mandal, East Godavari District.

..... PETITIONERS

AND

1 The District Collector, East Godavari District, Kakinada.
2 The Mandal Revenue Officer, Gokavaram Mandal,
Gokavaram, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in resorting to evict the petitioners from the lands in Survey No. 125/2 to an extent of Ac. 4-36 cents, (Ac. 1-09 cents each petitioner) situated at Gangampalem Villge, H/o. Tirmalaipalem, Gokavaram Mandal, East Godavari District, as highly illegal, arbitrary, unjust, violative of Article 300-A and Article 31-A(1) and Article 21 of the Constitution of India and in violation of the principles of natural justice and consequently direct the respondents not to evict the petitioners from the above lands.

Counsel for the Petitioners:MR.BADANA.BHASKARA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following :

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ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in resorting to evict the petitioners from the land in Survey No. 125/2 admeasuring
Ac. 4-36 cents, situated at Gangampalem Villge,
H/o. Tirmalaipalem, Gokavaram Mandal, East Godavari District is arbitrary and illegal.

The petitioners claim to be the owners and possessors of the said land and it is alleged that the respondents have been interfering with their possession without following due process of law.

Having regard to the assertions made by the petitioners and having heard learned counsel for the petitioners as well as learned Government Pleader for Revenue appearing for the respondents, without expressing any opinion as to the ownership claimed by the petitioners, the writ petition is disposed of with a direction to the respondents not to interfere with the possession of the petitioners in respect of the land in question without following due process of law. No costs.

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25.02.2005

Note :Furnish C.C.by Monday.

(B/O)

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To

1 The District Collector, East Godavari District, Kakinada.
2 The Mandal Revenue Officer, Gokavaram Mandal,
Gokavaram, East Godavari District.

3 Two C.Cs to the G.P. for Revenue, High Court Buildings,
Hyderabad (OUT).'

4 2 CD copies

5 1 CC to MR.BHASKARA RAO.